

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 9.44 of the Lincoln Municipal Code
2 relating to fireworks by amending Section 9.44.040 to provide for the assessment of a late fee
3 on all applications for a license as a fireworks retailer postmarked or received by the Chief of
4 the Bureau of Fire Prevention after June 23, to increase the license fee to \$75.00, and to
5 amend the provision regarding issuance of a license; repealing Section 9.44.085 relating to
6 sale and use of fireworks from December 30, 1999 to January 1, 2000; and repealing Section
7 9.44.040 of the Lincoln Municipal Code as hitherto existing.

8 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

9 Section 1. That Section 9.44.040 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **9.44.040 Permissible Fireworks; Retail Sale; License Required; Fee.**

12 (a) It shall be unlawful for any person to sell, hold for sale, or offer for sale at retail,
13 any permissible fireworks in the city unless such person has first obtained a license from the
14 city as a retailer.

15 (b) Any person desiring to sell or offer for sale any permissible fireworks as a retailer
16 shall make application to the Chief of the Bureau of Fire Prevention for a license authorizing
17 the same. Application for license as a retailer shall be filed with the Chief of the Bureau of
18 Fire Prevention on or before June 23. Applications postmarked or received after June 23 will
19 be assessed a \$25.00 late fee. Such application shall include the following information and
20 such additional information as the Chief shall deem necessary.

1 (1) The name and residence address of the applicant;

2 (2) The location of the premises for which the license is sought;

3 (3) When the license is sought in a permanent building, the application shall
4 provide an accurate drawing or plat showing the location of the sales display within the
5 building, together with aisles, exits, etc.

6 (4) When the license is sought in a temporary structure or facility, the
7 applicant shall provide a legal description of the premises, a description of the structure or
8 facility to be used, and the location of such structure or facility upon the premises.

9 After inspection of the premises and consideration of the information contained in the
10 application for a license, the Chief of the Bureau of Fire Prevention may issue a permit therefor
11 certificate entitling the applicant to a license, conditioned upon reasonable safety measures
12 to be specified in the license certificate and upon payment by the applicant of a fee of ~~twenty-~~
13 ~~five dollars~~ \$75.00. An inspection of the premises shall be conducted by the Bureau of Fire
14 Prevention to confirm that the permittee has complied with the conditions of the certificate
15 and, if the safety measures are in place, the license shall be issued. Any license issued under
16 the provisions of this section shall be valid only for the period of June 28 through and
17 including July 4 of the year in which issued.

18 Section 2. That Section 9.44.085 of the Lincoln Municipal Code be and the
19 same is hereby repealed.

20 **~~9.44.085 — Permissible Fireworks; Sale Only from December 30, 1999 through December~~**
21 **~~31, 1999 and Use from December 30, 1999 through and including January 1,~~**
22 **~~2000; Hours of Use Restricted.~~**

23 (a) ~~Permissible fireworks may be sold at retail or offered for sale at retail by a~~
24 ~~licensed retailer within the City of Lincoln only from December 30, 1999 through and~~

1 including ~~December 31, 1999~~, provided that an application for a license as a retailer in
2 accordance with ~~§ 9.44.040~~ is filed with the Chief of the Bureau of Fire Prevention on or
3 before ~~December 17, 1999~~. Applications filed after ~~December 17, 1999~~ shall be disapproved
4 as being untimely filed.

5 ~~—— (b) —~~ Permissible fireworks may be discharged, exploded, or used within the City of
6 Lincoln only from ~~December 30, 1999 through and including 2:00 a.m. on January 1, 2000~~;
7 provided it shall be unlawful to discharge, explode, or use permissible fireworks on said dates
8 before ~~8:00 a.m. and after 11:00 p.m.~~, except that permissible fireworks may be lawfully
9 discharged, exploded or used between the hours of ~~8:00 a.m. on December 31, 1999 through~~
10 ~~2:00 a.m. on January 1, 2000.~~

11 Section 3. That Section 9.44.040 of the Lincoln Municipal Code as hitherto
12 existing be and the same is hereby repealed.

13 Section 4. That this ordinance shall take effect and be in force from and after
14 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2001:

Mayor